

REMARKS

Claims 8-17 have been rejected under 35 U.S.C. § 112, ¶2, as being indefinite for a couple of reasons, both of which have been obviated in the claims as amended.

To comply with Examiner Thompson's request of December 9, 2005, and to comply with 37 CFR § 1.73(b)(2), which apparently requires that all new claims be underlined, "new" being defined as any claims that were not in the original patent. It is assumed that by making everything underlined in the above set of claims this will give the USPTO a final set of claims in the reissue certificate and the USPTO will simply be able to put in italics everything that was underlined, as is the way new words (not in the original patent) are identified in a Reissue Patent.

To comply with Examiner Thompson's request of December 9, 2005, Applicant, through his Attorney, makes the following statement: The patent rights in this application/patent have never been assigned, so the presumption that the inventor is the owner of this patent application as stated in 37 CFR § 3.73(a) is appropriate. Accordingly it is believed that nothing in 37 CFR § 3.73(b) applies to this application at this time.

Claims 8 and 11 have been rejected under 35 U.S.C. § 102(b) over Richard '941.

Since claim 9 was indicated as containing allowable subject matter in the First Office Action, claims 8 and 9 have been combined into amended claim 8.

Claim 9 has been cancelled.

Claim 12 was rejected under 35 U.S.C. § 102(b) over Grote '763 and Burgin '205.

Since claim 13 was indicated as containing allowable subject matter in the First Office Action, claims 12 and 13 have been combined into amended claim 12.

Claim 13 has been cancelled.

New claim 18 is mostly like original claim 13 but without the lower levelers of parent claim 12. Original claim 13 was indicated as containing allowable subject matter on the First Office Action so it is believed that claim 18 is allowable for similar reasons that original claim 13 contained allowable subject matter. New claim 19 is dependent on new claim 18.

New claim 20 is mostly like original claim 9, but removing the word "upper" before "leveler" and before "stanchions" and removing "pivotally". Original claim 9 was indicated as containing allowable subject matter on the First Office Action. So it is believed that claim 20 will be allowable for similar reasons that original claim 9 was deemed to contain allowable subject matter. In fact, a Notice of Allowability was issued on March 21, 2005 based on the Amendment filed March 7, 2005, and this amendment is only necessary to conform with the formalities of 37 C.F.R. § 1.173 as indicated by Examiner Thompson in a telephone call of May 19, 2005.

Attached hereto as "extra pages" is a 7 page document entitled **"Explanation of Support for Claim Changes in Separate Paper Required by 37 C.F.R. § 1.173(c)"** which is a photo copy of the "AMENDMENTS TO THE CLAIMS" filed March 1, 2005, but with handwritten notes showing the support in the specification and drawings of the original patent, U.S. Patent No. 6,386,321 for the claim recitations added since the original Reissue Application was filed.

To see what was deleted from and added to the claims submitted when this Reissue Application was originally filed, see the attached document entitled "Explanation of Support for Claim Changes in Separate Paper Required by 37 C.F.R. § 1.173(c)".

It is assumed that the SUPPLEMENTAL DECLARATION previously filed is of permanent record in the file.

Accordingly, since all remaining claims 1-8, 10-12 and 14-20 are believed to be clearly allowable, a notice to that effect is respectfully submitted.

Respectfully submitted,

Anthony J. MUHICH

Dec. 14, 2005
Date

By: Michael O. Sturm
Michael O. Sturm
Reg. No. 26,078

STURM & FIX LLP
206 Sixth Avenue, Suite 1213
Des Moines, Iowa 50309-4076
Phone: 515-288-9589 or 515-244-2866 (direct)
Fax: 515-288-4860

Sheet
of
1

Explanation of support for claim changes in
Separate paper as required by 37 C.F.R. § 1.173 (c)

~~AMENDMENTS TO THE CLAIMS~~

Claims 1-7 (allowed)

Column and line numbers are
from U.S. Patent No. 6,386,321.

8. (Amended) A tree stand, for use on a tree, comprising:

14 Col 3 line 3

a seat support disposed generally along a longitudinal axis;

80 Col 4 lines 29-45

a strapping mechanism operatively attached to the seat support member for operatively

attaching the seat support to a tree;

70/16 lines 19-28 of Col. 4

a seat operatively attached to a top portion of the seat support;

20 Col. 2 lines 56-67

a platform operatively ([pivotaly]) attached to a bottom portion of the seat support, said

platform having a top portion for permitting a person to stand thereon;

50 Col. 3 lines 36-61.

at least one member operatively attached to the seat support and to the platform to hold

the platform transversely disposed with respect to the longitudinal axis of the seat support;

32 Col. 3 lines 25-36

an upper leveler mechanism operatively attached to said seat support and [to] engageable

Figs.
4 & 5

with said tree for adjusting the position of the seat support between a first position and a second

position with respect to the tree, said first position being closer to the tree than the second

position thereof; [and]

wherein said upper leveler mechanism includes a first and second sleeve and a respective

first and second upper stanchion each mounted for selective movement within the respective first

and second sleeve, each of the first and second sleeves being operatively attached to the seat

support, the first and second upper stanchions each being independently adjustable with respect

to a respective first and second sleeves to accommodate varying contours of the tree; and

Previous
in
origin
claim
9.

Sheet 2
of 7

35, 36, 38 Col 3 lines 24-36

a locking mechanism for selectively and operatively locking the upper leveler mechanism
 in a selected one of the first or second positions thereof.

9. (Cancelled)

10. (Amended) The tree stand of claim [9] 8 including an independent locking
 35, 36, 38 Col 3 lines 24-36
 mechanism for each sleeve whereby the first stanchion can be in a different locked position with
 respect to the second stanchion.

11. (Original) The tree stand of claim 8 wherein there is a second member
 operatively attached to the seat support and to the platform to hold the platform transversely
 disposed with respect to the longitudinal axis of the seat support.

50
Col 3
lines
36-61

12. (Amended) A tree stand, for use on a tree, comprising:
 14 Col 3 line 3
 a seat support disposed generally along a longitudinal axis;
 80 Col 4 lines 29-45
 a strapping mechanism operatively attached to the seat support member for operatively
 attaching the seat support to a tree;
 16 Col 4 lines 19-28
 a seat operatively attached to [the] a top portion of the seat support;
 20 Col 2 lines 56-67
 a platform operatively attached to a bottom portion of the seat support, said platform
 having a top portion for permitting a person to stand thereon, a front portion, a rear portion, a
 first side and a second side, said rear portion having a left side and a right side;

/

Sheet 3
of 7

22, 40, 42 Col 3 lines 19-24

a lower leveler mechanism including left and right side structural members, each being operatively attached to said platform for independently adjusting the position of a respective left and right rear portion of the platform between a first lower leveler mechanism position and a second lower leveler mechanism position with respect to the tree, wherein the first lower leveler mechanism position ^{Fig. 5} is closer to the tree than the second lower leveler mechanism position ^{Fig. 4} thereof whereby the platform can be leveled with respect to the left and the right side thereof;

[and]

22, 35, 36, 40, 42 Col 3 lines 19-36 ^{Fig. 1} ^{Fig. 6}

a left and right side locking mechanism of the respective lower leveler mechanism members for selectively and operatively locking the respective lower leveler members in a selected one of the first or second lower leveler mechanism positions thereof;

^{50 Col 4 lines 36-61}
members operatively attached to left and right sides respectively of an upper portion of the seat support and to the platform for holding the top portion of the platform transversely disposed with respect to the longitudinal axis of the seat support;

^{14 Col 3 line 3} ²⁰
an upper leveler mechanism operatively attached to said seat support and to said tree for adjusting the position of the seat support between a first upper leveler mechanism position and a second upper leveler mechanism position with respect to the tree, said first upper leveler mechanism position being closer to the tree than the second upper leveler position thereof

³⁰ ¹⁴ ^{Fig. 4}
whereby the platform can be leveled with respect to the front and the back thereof; and

^{Fig. 5} ^{Fig. 4} ^{Fig. 5}
a locking mechanism for the upper leveler mechanism for selectively and operatively locking the upper leveler mechanism in a selected one of the first or second positions thereof.

Previous
in
origin
claim
13.

Col 3 lines 11-35

Col 3
lines 24-36

Sheet 1
of 7

13. (Cancelled)

14. (Amended) The tree stand of claim [13] ³⁰12 wherein said upper leveler ³⁴mechanism includes a first and second sleeve and a respective first and second upper stanchion ³⁰ ³² each mounted for selective sliding movement with respect to the respective first and second sleeve, each of the first and second sleeves being operatively attached to the seat support, the ³⁰ ³²first and second upper stanchions each being independently adjustable with respect to a respective first and second sleeves to accommodate varying contours of the tree.

Col 3
lines
11-36

15. (Original) The tree stand of claim 14 including an independent locking ^{35,36,38}mechanism for each sleeve whereby the first stanchion can be in a different locked position with respect to the second stanchion. ^{Col 3 lines 24-36}

16. (Original) The tree stand of claim 15 wherein the independent locking ^{35,36,38}mechanism can be used to lock the first stanchion with respect to the sleeve in more positions than just said first and second positions thereof. ^{Col 3 lines 24-36}

17. (Original) The tree stand of claim 10 wherein the independent locking ^{35,36,38}mechanism can be used to lock the first stanchion with respect to the sleeve in more positions than just said first and second positions thereof. ^{Col 3 lines 24-36}

/

Sheet 5
of 718. (New) A tree stand, for use on a tree, comprising:

¹⁴ Col 3 line 3
a seat support disposed generally along a longitudinal axis, said seat support having a top
portion and a bottom portion;

⁸⁰ Col 4 lines 29-45
a strapping mechanism operatively attached to the seat support member for operatively
attaching the seat support to a tree;

⁷⁰ Col 4 lines 19-24
a seat operatively attached to the top portion of the seat support;
²⁰ Col 2 lines 56-67
a platform operatively attached to a bottom portion of the seat support, said platform
having a top portion for permitting a person to stand thereon, a front portion, a rear portion, a
first side and a second side, said rear portion having a left side and a right side;

⁵⁰ Col 3 lines 36-61
members operatively attached to left and right sides respectively of an upper portion of
the seat support and to the platform for holding the top portion of the platform transversely
disposed with respect to the longitudinal axis of the seat support;

³⁰ Col 3 lines 25-36
an upper leveler mechanism operatively attached to a portion of said seat support and
being disposed a substantial distance above the bottom of the seat support, said upper leveler
mechanism being engageable with said tree for adjusting the position of the top portion of the

¹⁴ Fig. 4
seat support between a first upper leveler mechanism position and a second upper leveler
mechanism position, with respect to the tree, said first upper leveler mechanism position being
closer to the tree than the second upper leveler position thereof whereby the platform can be

leveled with respect to the front and the back thereof; and

^{Fig. 2: 35, 36, 38}
a locking mechanism for the upper leveler mechanism for selectively and operatively
locking the upper leveler mechanism in a selected one of the first or second positions thereof.

Like
origin
claim
8.Col 3
lines
24-36

Sheet 6
of 7

19. (New) The tree stand of claim 18 wherein said upper leveler mechanism includes
at least one sleeve³⁴operatively attached to the seat support¹⁴and at least one stanchion³⁰receivable
within said at least one sleeve³⁴, said stanchion³⁰being mounted for selective movement within the
sleeve³⁴.

col 3
lines
24-36

20. (New) A tree stand, for use on a tree, comprising:
a seat support¹⁴disposed generally along a longitudinal axis;
a strapping mechanism⁸⁰operatively attached to the seat support member¹⁴for operatively
attaching the seat support¹⁴to a tree;

col 3 line 3

col 4
lines
29-45

a seat⁷⁰operatively attached to a top portion of the seat support;
a platform²⁰operatively attached to a bottom portion of the seat support, said platform
having a top portion for permitting a person to stand thereon;

col 4 lines 19-28

col 2
lines
56-67

at least one member⁵⁰operatively attached to the seat support and to the platform to hold
the platform transversely disposed with respect to the longitudinal axis of the seat support;

col 3
lines 36-61

(32, 30, 34) or (22, 42, 40)
a leveler mechanism³⁴operatively attached to said seat support and engageable with said
tree for adjusting the position of the seat support between a first position and a second position
with respect to the tree, said first position being closer to the tree than the second position
thereof;

Figs. 4
5

34 or 22

wherein said leveler mechanism includes a first and second sleeve^{32 or 42}and a respective first
and second stanchion^{34 or 22}each mounted for selective movement within the respective first and
second sleeve, each of the first and second sleeves being operatively attached to the seat support,

col 3
lines 12-36col 3
lines 12-36

Sheet 1
of 1

32 or 42

the first and second stanchions each being independently adjustable with respect to a respective

34 or 22

first and second sleeves to accommodate varying contours of the tree; anda locking mechanism for selectively and operatively locking the leveler mechanism in aselected one of the first or second positions thereof.Col 3
lines
12-36

Col 3 lines 24-36